

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**AMRES CORPORATION,
Plaintiff,**

CIVIL ACTION

v.

**NEXTRES LLC and
MITCHELL AYZENBERG,
Defendants.**

NO. 24-824

ORDER

AND NOW, this 9th day of January, 2025, upon consideration of the Defendants' Motion to Dismiss and Strike Plaintiff's Amended Complaint (ECF No. 15), all responses thereto (ECF Nos. 16, 17, 20), and the arguments made during oral argument, **IT IS ORDERED** that Defendants' Motion to Dismiss and Strike the Amended Complaint is **GRANTED IN PART** and **DENIED IN PART** as **MOOT**.

1. Count I (Trademark Infringement) and Count II (False Advertising/Unfair Competition) of Plaintiff's Amended Complaint are **DISMISSED WITH PREJUDICE**.
2. As a result of this Court dismissing Counts I and II of the Amended Complaint, the Court does not have subject matter jurisdiction over the remaining state law claims (Counts III and IV), and they are therefore **DISMISSED WITHOUT PREJUDICE**.
3. Defendants' Motion to Strike the Amended Complaint is **DENIED AS MOOT**.
4. Defendants' Alternative Motion to Stay is **DENIED AS MOOT**.
5. Defendants' Alternative Motion to Dismiss for improper venue is **DENIED AS MOOT**.

BY THE COURT:

/s/ Hon. Kelley B. Hodge

HODGE, KELLEY B., J.